

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAEIL RO,

Plaintiff,

v.

EVEREST INDEMNITY INSURANCE, *et al*,

Defendants.

Civil Case No. C16-0664RSL

Civil Case No. C16-1170RSL

ORDER GRANTING PLAINTIFF'S
MOTION TO CONSOLIDATE AND
MERGING CASES

This matter comes before the Court on “Plaintiff’s Motion to Consolidate.” Dkt. # 24 in C16-0664RSL. Plaintiff requests that defendant Everest Indemnity Insurance Company’s declaratory judgment action be consolidated into and merged with his insurance coverage action. Everest agrees that consolidation is appropriate, but opposes merger on the ground that its declaratory judgment action “was transferred to this Court pursuant to 28 U.S.C. § 1404(a)” and must therefore be decided using Minnesota’s choice of law rules. Dkt. # 28 at 2. Everest is simply wrong on the facts. The transferor court specifically declined to reach the issue of whether a transfer was appropriate under § 1404(a), having found two other reasons why it should not keep the case. Dkt. # 20 at 16 in C16-1170RSL.¹

¹ Defense counsel shall, within seven days of the date of this Order, file a memorandum of no more than three pages explaining how and why the transfer order was misrepresented to the Court.

1 The only ground on which Everest opposed merger is based on a false assertion of fact.
2 The motion is therefore GRANTED. The Clerk of Court is directed to close Cause No. C16-
3 1170RSL. The coverage and bad faith issues raised by the parties will be decided in Cause No.
4 C16-0664RSL with the Amended Complaint filed by plaintiff on August 29, 2016, as the
5 operative pleading.

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7 Dated this 9th day of September, 2016.

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9 Robert S. Lasnik
10 United States District Judge
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